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09/812,994	03/20/2001	Raj Deshpande	PD05957AM	1461

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EXAMINER
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FOX, JAMAL A

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/812,994

Applicant(s)

DESHPANDE ET AL.

Examiner

Jamal A Fox

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-20 and 22-24 is/are rejected.
- 7) ☒ Claim(s) 8-10 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 5, 7, 11, 12, 15, 17 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Thornton et al. (U.S. Patent No. 6,363,065).

Referring to claim 1, Thornton et al. discloses a method of optimizing system resources in a network using packetized voice (VoIP, col. 30 lines 5-32) telephony comprising: determining that a packetized voice call from an originating gateway (gateway, col. 30 lines 5-32) terminates at a non-human voice interface system (Fig. 1 ref. sign 200' and respective portions of the spec.), wherein the packetized voice call is assigned a specified high priority level (highest execution priority, col. 30 lines 5-10);

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and transmitting signaling (VPH 517, col. 30 lines 15-32 and Fig. 6) to cause the originating gateway to transmit the packetized voice call to the non-human voice interface system (Fig. 1 ref. sign 200' and respective portions of the spec.) at a lower priority (lower priority level, col. 30 lines 15-32) than the specified high priority level.

Referring to claim 5, Thornton et al. discloses the method of claim 1 further comprising transmitting signaling to cause the originating gateway to compress (compression, col. 22 lines 10-13 and compressed digitized speech, col. 42 lines 5-10) the packetized voice call.

Referring to claim 7, Thornton et al. discloses the method of claim 1 wherein the determining includes detecting whether the packetized voice call has been answered at a terminating gateway intended to be a terminating end of the packetized voice call within a prescribed number of rings (ringing, col. 34 lines 25-34, col. 43 lines 39-48 and ring, col. 10 lines 28-34) at the terminating gateway.

Referring to claim 11, Thornton et al. discloses the method of claim 1 wherein the transmitting step comprises selectively transmitting the signaling (VPH 517, col. 30 lines 15-32 and Fig. 6) to cause the originating gateway to transmit the packetized voice call to the non-human voice interface system at the lower priority than the specified high priority level.

Referring to claim 12, Thornton et al. discloses a method of optimizing system resources in a network using packetized (VoIP, col. 30 lines 5-32) voice telephony comprising: receiving an indication that a packetized voice call has terminated at a non-human voice interface system (Fig. 1, ref. sign 200' and respective portions of the

spec.), wherein the packetized voice call is assigned a specified high priority level (highest execution priority, col. 30 lines 5-10); reprioritizing the packetized voice call to a lower priority level (lower priority level, col. 30 lines 15-32) than the specified high priority level; and transmitting the packetized voice call (VPH 517, col. 30 lines 15-32 and Fig. 6) to the non-human voice interface (Fig. 1 ref. sign 200' and respective portions of the spec.) at the lower priority level.

Referring to claim 15, Thornton et al. discloses the method of claim 12 further comprising compressing (compression, col. 22 lines 10-13 and compressed digitized speech, col. 42 lines 5-10), prior to the transmitting step, the packetized voice call.

Referring to claim 17, Thornton et al. discloses a system for optimizing system resources in a network using packetized voice (VoIP, col. 30 lines 5-32) telephony comprising: means for determining that a packetized voice call from an originating gateway terminates at a non-human voice interface system (Fig. 1, ref. sign 200' and respective portions of the spec.), wherein the packetized voice call is assigned a specified high priority level (highest execution priority, col. 30 lines 5-10); and means (VPH 517, col. 30 lines 15-32 and Fig. 6) for transmitting the packetized voice call to the non-human voice interface system (Fig. 1 ref. sign 200' and respective portions of the spec.) at a lower priority (lower priority level, col. 30 lines 15-32) than the specified high priority level.

Referring to claim 23, Thornton et al. discloses a system for optimizing system resources in a network using packetized voice (packetized voice, col. 8 lines 32-61) telephony comprising: means for receiving an indication that a packetized voice call

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has terminated at a non-human voice interface system (Fig. 1, ref. sign 200' and respective portions of the spec.), wherein the packetized voice call is assigned a specified high priority level (highest execution priority, col. 30 lines 5-10); means for re-prioritizing the packetized voice call to a lower priority level (lower priority level, col. 30 lines 15-32) than the specified high priority level; and means (VPH 517, col. 30 lines 15-32 and Fig. 6) for transmitting the packetized voice call to the non-human voice interface system (Fig. 1 ref. sign 200' and respective portions of the spec.) at the lower priority level (lower priority level, col. 30 lines 15-32).

3. Claims 1-7, 11-20 and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Voit et al. (U.S. Patent No. 6,295,292).

Referring to claim 1, Voit et al. discloses a method of optimizing system resources in a network using packetized voice (packetized voice, col. 8 lines 32-61) telephony comprising: determining that a packetized voice call from an originating gateway (ITG, col. 26 lines 42-59) terminates at a non-human voice interface system (Fig. 26 ref. sign 408 and respective portions of the spec.), wherein the packetized voice call is assigned (assigned, col. 26 lines 42-59) a specified high priority level (highest priority, col. 26 lines 42-59); and transmitting signaling (signaling information, col. 26 lines 42-59) to cause the originating gateway to transmit the packetized voice call to the non-human voice interface system (Fig. 26 ref. sign 408 and respective portions of the spec.) at a lower priority (lower priority, col. 26 lines 42-59) than the specified high priority level.

Referring to claim 2, Voit et al. discloses the method of claim 1 wherein the non-human voice interface system comprises a voice messaging system (audio message, col. 9 lines 47-58).

Referring to claim 3, Voit et al. discloses the method of claim 1 wherein the determining includes determining whether a subscriber at a terminating gateway (terminating gateway, col. 36 lines 1-12) intended to be a terminating end of the packetized voice call subscribes to a voice messaging system.

Referring to claim 4, Voit et al. discloses the method of claim 1 wherein the non-human voice interface system comprises an interactive voice response system (The C2 object, col. 9 lines 47-58).

Referring to claim 5, Voit et al. discloses the method of claim 1 further comprising transmitting signaling to cause the originating gateway to compress (compressed, col. 16 lines 24-29) the packetized voice call.

Referring to claim 6, Voit et al. discloses the method of claim 1 wherein the specified high priority level comprises a real time priority level to ensure that the packetized voice call will occur substantially in real time (real time, col. 11 lines 1-6 and col. 33 lines 1-6).

Referring to claim 7, Voit et al. discloses the method of claim 1 wherein the determining includes detecting whether the packetized voice call has been answered at a terminating gateway intended to be a terminating end of the packetized voice call within a prescribed number of rings (rings, col. 42 lines 10-16 and ringing, col. 9 lines 47-49) at the terminating gateway.

Referring to claim 11, Voit et al. discloses the method of claim 1 wherein the transmitting step comprises selectively transmitting the signaling (signaling information, col. 26 lines 42-59) to cause the originating gateway to transmit the packetized voice call to the non-human voice interface system at the lower priority than the specified high priority level.

Referring to claim 12, Voit et al. discloses a method of optimizing system resources in a network using packetized voice (packetized voice, col. 8 lines 32-61) telephony comprising: receiving an indication that a packetized voice call has terminated at a non-human voice interface system (Fig. 26 ref. sign 408 and respective portions of the spec.), wherein the packetized voice call is assigned a specified high priority level (highest priority, col. 26 lines 42-59); reprioritizing the packetized voice call to a lower priority level (lower priority, col. 26 lines 42-59) than the specified high priority level; and transmitting the packetized voice call (signaling information, col. 26 lines 42-59) to the non-human voice interface (Fig. 26 ref. sign 408 and respective portions of the spec.) at the lower priority level.

Referring to claim 13, Voit et al. discloses the method of claim 12 wherein the non human voice interface system comprises a voicemail system (audio message, col. 9 lines 47-58).

Referring to claim 14, Voit et al. discloses the method of claim 12 wherein the non-human voice interface system comprises a interactive voice response system (The C2 object, col. 9 lines 47-58).



Referring to claim 15, Voit et al. discloses the method of claim 12 further comprising compressing (compressed, col. 16 lines 24-29), prior to the transmitting step, the packetized voice call.

Referring to claim 16, Voit et al. discloses the method of claim 12 wherein the specified high priority level comprises a real time priority level to ensure that the packetized voice call will occur substantially in real time (real time, col. 11 lines 1-6 and col. 33 lines 1-6).

Referring to claim 17, Voit et al. discloses a system for optimizing system resources in a network using packetized voice (packetized voice, col. 8 lines 32-61) telephony comprising: means for determining that a packetized voice call from an originating gateway terminates at a non-human voice interface system (Fig. 26 ref. sign 408 and respective portions of the spec.), wherein the packetized voice call is assigned a specified high priority level (highest priority, col. 26 lines 42-59); and means (IPv6, col. 26 lines 42-59) for transmitting the packetized voice call to the non-human voice interface system (Fig. 26 ref. sign 408 and respective portions of the spec.) at a lower priority (lower priority, col. 26 lines 42-59) than the specified high priority level.

Referring to claim 18, Voit et al. discloses the system of Claim 17 wherein the means for determining includes means for determining whether a subscriber at a terminating gateway intended to be a terminating end of the packetized voice call subscribes to a voice messaging system (audio message, col. 9 lines 47-58).

Referring to claim 19, Voit et al. discloses the system of claim 17 further comprising means for transmitting signaling to cause the originating gateway to compress (compressed, col. 16 lines 24-29) the packetized voice call.

Referring to claim 20, Voit et al. discloses the system of claim 19 wherein the means for determining includes means for detecting whether the packetized voice call has been answered at a terminating gateway intended to be a terminating end of the packetized voice call within a prescribed number of rings (rings, col. 42 lines 10-16 and ringing, col. 9 lines 47-49) at the terminating gateway.

Referring to claim 22, Voit et al. discloses the system of claim 17 wherein the means for transmitting comprises means for selectively transmitting the signaling (signaling information, col. 26 lines 42-59) to cause the originating gateway to transmit the packetized voice call to the non-human voice interface system at the lower priority than the specified high priority level.

Referring to claim 23, Voit et al. discloses a system for optimizing system resources in a network using packetized voice (packetized voice, col. 8 lines 32-61) telephony comprising: means for receiving an indication that a packetized voice call has terminated at a non-human voice interface system (Fig. 26 ref. sign 408 and respective portions of the spec.), wherein the packetized voice call is assigned a specified high priority level (highest priority, col. 26 lines 42-59); means for re-prioritizing the packetized voice call to a lower priority level (lower priority, col. 26 lines 42-59) than the specified high priority level; and means (IPv6, col. 26 lines 42-59) for transmitting the packetized voice call to the non-human voice interface system (Fig. 26 ref. sign 408

and respective portions of the spec.) at the lower priority level (lower priority, col. 26 lines 42-59).

Referring to claim 24, Voit et al. discloses the system of claim 23 further comprising means for compressing (compressed, col. 16 lines 24-29) the packetized voice call.

#### ***Allowable Subject Matter***

4. Claims 8-10 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

5. Applicant's arguments filed 11/26/2004 have been fully considered but they are not persuasive. Applicant argued that the Thornton et al. invention fails to apply in a non-human interface environment. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., non-human interface environment) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

6. However, a non-human voice interface system is claimed and disclosed in Thornton et al. (Fig. 1 ref. sign 200'). The gateway is a voice messaging system that provides prioritization (see Fig. 6 and col. 10 line 50 – col. 11 line 41).

7. Applicant argued that the Voit et al. invention has no non-human interface as defined by the Applicants and no mention of prioritizing a packet in anticipation of its reception by a non-human interface. However, a non-human interface is disclosed in Fig. 26. See TERMINATING ITG, ref. sign 408 and respective portions of the specification. Packets that are assigned a priority are disclosed in col. 26 lines 50-59.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A Fox whose telephone number is (571) 272-3143. The examiner can normally be reached on 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamal A. Fox



WELLINGTON CHIN  
SUPERVISORY PATENT EXAMINER